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July 11, 2003

ATTORNEY DOCKET NO.: DIVER1280

**MAIL STOP CPA**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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#40  
D.G.J  
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This paper is a request for a **continued prosecution application** under 37 C.F.R. § 1.53(d) of:

Applicants: Jay M. Short and Martin Keller  
Title: HIGH THROUGHPUT FLUORESCENCE-BASED  
SCREENING FOR NOVEL ENZYMES (As Amended)  
Prior U.S. Application No.: 08/876,276  
Filing date: June 16, 1997

The prior application was complete as defined by 37 C.F.R. § 1.51(b), or was a national stage of an international application filed in compliance with 35 U.S.C. § 371.

This request for a CPA is the reference to the prior application noted above as required by 35 U.S.C. § 120. Kindly abandon the prior application in favor of the continued proceedings that are requested herein. The prior application is currently up on Appeal.

The prior application is assigned of record to DIVERSA CORPORATION, by virtue of an Assignment submitted to the Patent and Trademark Office for recording on December 17, 1999 at Reel No. 010476, Frame 0273.

EXPRESS MAIL Number: EV 318739325 US  
Date of Deposit: JULY 11, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: **MAIL STOP CPA**  
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**MIKHAIL BAYLEY**

(Name of Individual Depositing with P.O.)

*Mikhail Bayley*  
(Signature of Individual Depositing with P.O.)

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This request includes three (3) sheets, and the following:

- Preliminary Amendment (7 pages);
- Check No. 540462 in the amount of \$438.00; and
- Return Receipt Postcard;

The entire disclosure of the prior application is considered as being part of the disclosure of accompanying application and is incorporated by reference.

Applicants claim **SMALL ENTITY STATUS** in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

The filing fee is calculated as follows:

	Number Filed			Number Extra		Rate			Fee	
						Large Entity	Small Entity		Large Entity	SMALL ENTITY
Total Claims	27	20	=	7	X	\$18	\$09	=	\$	\$ 63.00
Independent Claims	1	3	=	0	X	\$84	\$42	=	\$	\$
Multiple Dependent Claims Presented: ___ Yes <u>X</u> No						\$280	\$140		\$	\$
						BASIC FEE			\$750.00	\$375.00
						TOTAL FEE			\$	\$438.00

Enclosed please find a Check No. 540462 in the total amount of \$438.00; which consists of \$375.00 for the basic application filing fee and \$63.00 for seven (7) additional dependent claims fee. Please charge any additional required fees or credit any overpayments to Deposit Account 50-1355, referencing the Attorney Docket number shown above. A copy of this transmittal letter is attached.

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please call the undersigned at 858-677-1456.

**GRAY CARY WARE & FREIDENRICH LLP**

**ATTORNEY DOCKET NO.: DIVER1280**

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July 11, 2003

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Kindly acknowledge receipt of this application by returning the enclosed postcard.

All future correspondence should be addressed to:

**Lisa A. Haile, J.D., Ph.D.**

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Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP



Lisa A. Haile, J.D., Ph.D.

Registration No. 38,347

July 11, 2003

Date

Enclosures

LAH/JML:ct